

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 ISO-00 ERDA-05 CIAE-00 H-01 INR-07

IO-10 L-02 NSAE-00 OIC-02 OMB-01 PA-01 PM-03 PRS-01

SAJ-01 SAM-01 SP-02 SS-15 USIA-06 TRSE-00 NSC-05

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R 251630Z FEB 75

FM USMISSION NATO

TO SECSTATE WASHDC 0298

SECDEF WASHDC

INFO AMEMBASSY BONN

AMEMBASSY LONDON

USDELMBFR VIENNA

USNMR SHAPE

USCINCEUR

S E C R E T SECTION 1 OF 2 USNATO 1022

E.O. 11652: GDS

TAGS: PARM, NATO

SUBJECT: MBFR: THE COLLECTIVE COMMITMENT: SPC MEETING FEBRUARY 24

REF: A. STATE 34467

B. USNATO 876

SUMMARY: SPC ON FEBRUARY 24 CONSIDERED AHG REQUEST FOR GUIDANCE ON THE COLLECTIVE COMMITMENT. FRG REP STATED FRG PRELIMINARY VIEWS ON THE SUBJECT LARGELY AS A COMMENT ON THE US PRELIMINARY VIEWS STATED AT THE PREVIOUS MEETING. FRG AGREES WITH MUCH OF THE US ANALYSIS, INCLUDING THE USEFULNESS OF CREATING A SINGLE ADDRESS WHERE THE OTHER SIDE COULD RAISE QUESTIONS OR OBJECTIONS RE MAINTENANCE OF COMMON CEILING. HOWEVER, FRG WISHES DIRECT PARTICIPANTS OF EACH SIDE AS A WHOLE (RATHER THAN "EACH" DIRECT PARTICIPANT) TO COMMIT THEMSELVES NOT TO INCREASE AGGREGATE MANPOWER IN SUCH A WAY AS TO EXCEED COMMON CEILING, IN ORDER TO MAKE ABSOLUTELY CLEAR THE ABSENCE OF NATIONAL SUB-CEILINGS. FRG ALSO DOES NOT
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WISH SPECIAL OBLIGATION ON DIRECT PARTICIPANTS WITH TERRITORY IN REDUCTIONS AREA REGARDING ACTION ON THEIR TERRITORY BY OTHER STATES, IN ORDER TO AVOID SINGLING OUT DIRECT PARTICIPANTS IN THE REDUCTIONS AREA. MISSION COMMENTS ON FRG VIEWS AND REQUESTED

GUIDANCE IN TIME FOR SPC MEETING MONDAY MARCH 3. END SUMMARY.

1. FRG REP (HOYNCK) STATED THE "PRELIMINARY VIEWS" OF HIS AUTHORITIES REGARDING THE COLLECTIVE COMMITMENT. HE SAID THAT THE FRG AGREED WITH THE US THAT THE EAST SHOULD HAVE SOME INDICATION OF HOW A COMMON CEILING ESTABLISHED THROUGH A COLLECTIVE COMMITMENT COULD BE AFFECTIVELY MAINTAINED; AND AGREED WITH THE US THAT PRECISE LANGUAGE IS RELATED TO THE FORM OF THE AGREEMENT. HE NOTED THAT THE FRG IS WORKING ON A PAPER ON THE FORM OF THE AGREEMENT, WHICH SHOULD BE READY SOON. FRG ALSO AGREED WITH THE US ANALYSIS THAT REASSURING THE EAST ON A COLLECTIVE COMMITMENT INVOLVED TWO PROBLEM AREAS: (A MEANS BY WHICH SEPARATE STATES CAN UNDERTAKE A COLLECTIVE COMMITMENT BINDING ON EACH, AND A MEANS BY WHICH THE OTHER SIDE WOULD KNOW TO WHOM QUESTIONS AND COMPLAINTS SHOULD BE DIRECTED.

2. FRG REP SAID THAT FRG VIEWS ON THE FIRST PROBLEM AREA DIFFER SOMEWHAT FROM THE US VIEWS. THE FRG BELIEVES THAT IT SHOULD BE ABSOLUTELY CLEAR THAT DIRECT PARTICIPANTS COULD INCREASE THEIR FORCES IN THE REDUCTIONS AREA BY THE SAME AMOUNT AS OTHER DIRECT PARTICIPANTS ON THE SAME SIDE DECREASE THEIR FORCES IN THAT AREA, AND THAT THE COMMITMENT MUST THEREFORE BE A COLLECTIVE ONE. FRG FOR THIS REASON IS CONCERNED ABOUT THE US SUGGESTION THAT EACH DIRECT PARTICIPANT WOULD AGREE TO REFRAIN FROM ANY ACTION WITH RESPECT TO THE GROUND FORCE MANPOWER EACH MAINTAINS IN THE AREA WHICH WOULD CAUSE TOTAL GROUND FORCE MANPOWER TO EXCEED THE COMMON CEILING (PARA 3, A-B, REF A). THE OTHER SIDE COULD CONCEIVABLY INTERPRET THIS IN SUCH A WAY AS TO LEAD TO NATIONAL SUB-CEILINGS. THE FRG WOULD PREFER THE FOLLOWING FORMULATION (INSTEAD OF PARA 3 A-B OF REF A): "THE DIRECT MBFR-PARTICIPANTS OF NATO (OF THE WP) COMMIT THEMSELVES NOT TO INCREASE THEIR AGGREGATE FROUND FORCE MANPOWER IN THE AREA OF REDUCTIONS IN SUCH A MANNER THAT THE COMMON CEILING IS EXCEEDED."

3. FRG REP SAID FRG ALSO SEES CERTAIN DIFFICULTIES IN THE US SUGGESTION THAT DIRECT PARTICIPANTS WITH TERRITORY IN THE REDUCTIONS
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AREA AGREE NOT TO PERMIT ANY ACTION ON THEIR TERRITORY BY OTHER STATES WHICH WOULD LEAD TO EXCEEDING THE COMMON CEILING (PARA 3 C-D, REF A). THIS US SUGGESTION WOULD SINGLE OUT CERTAIN DIRECT PARTICIPANTS. THIS COULD LEAD TO THESE DIRECT PARTICIPANTS BEING SINGLED OUT FOR TOHER THINGS, AND OTHER PROCEDURES. FRG REP SAID BONN DID NOT HAVE ANY ITEAS YET ON HOW TO SOLVE THE PROBLEM ADDRESSED BY THIS US SUGGESTION, I.E. HOW TO MEET EASTERN CONCERNS ABOUT STATES WHO ARE NOW PARTICIPATING. ON A PERSONAL BASIS, HE SAID HE THOUGHT IT WOULD BE CLEARLY CIRCUMVENTION OF AN MBFR AGREEMENT FOR A NON-PARTICIPATING STATE TO BUILD UP ITS FORCES IN THEREDUCTIONS AREA IN SUCH A WAY AS TO VIOLATE THE COMMON CEILING. THIS COULD BE HANDLED BY A NON-CIRCUMVENTION CLAUSE. IF THE PROBLEM CAN BE HANDLED IN THAT MANNER, THERE DOES

NOT APPEAR ANY NEED TO PLACE SPECIFIC REQUIREMENTS ON DIRECT PARTICIPANTS WITH TERRITORY IN THE REDUCTIONS AREA.

4. FRG REP SAID HIS AUTHORITIES AGREED WITH THE US ON THE NEED

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FOR INTRA-ALLIANCE COORDINATION (PARA 4, REF A), AND ON THE USEFULNESS OF CREATING A SINGLE ADDRESS WHERE THE OTHER SIDE COULD RAISE QUESTIONS OR OBJECTIONS REGARDING MAINTENANCE OF THE COMMON CEILING (PARA 5, REF A). HOWEVER, THE ALLIES WOULD NEED TO BE CAREFUL TO PREVENT THE LATTER ARRANGEMENT FROM DEVELOPING INTO A POLITICAL-LEGAL CONTROL ORGANISM. THIS SUBJECT REQUIRED CAREFUL CONSIDERATION. HE NOTED THAT DUTCH REP AT PREVIOUS MEETING SAID THAT IF ONE SIDE DISREGARDS ITS OBLIGATION TO THE COMMON CEILING, AND DISREGARDS THE OBJECTIONS OF THE OTHER SIDE, THE ONLY RECOURSE ULTIMATELY IS DENUNCIATION OR ABRIDGEMENT OF THE AGREEMENT. THE FRG SEES A POSSIBLE ALTERNATIVE, I.E. SOME KIND OF CONSULTATION PROCEDURE.

5. DANISH REP (VILLADSEN), ON A PERSONAL BASIS, SUGGESTED THAT THE ADDRESS FOR RECEIVING QUESTIONS OR COMPLAINTS ON EACH SIDE COULD BE THE TWO COUNTRIES, ONE ON EACH SIDE DESIGNATED AS DEPOSITORIES OF THE TREATY.

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6. US REP (BAILES) STATED THAT THE UK STILL HAD THE QUESTION OF THE COLLECTIVE COMMITMENT UNDER STUDY. ON A PERSONAL BASIS, SHE SUGGESTED THAT THE LANGUAGE IN THE NAC GUIDANCE ON THE NON-INCREASE COMMITMENT MIGHT BE USEFUL AS A MODEL REGARDING THE OBLIGATION ON DIRECT PARTICIPANTS CONCERNING THE COLLECTIVE COMMITMENT.

7. BELGIAN REP (BURNY) SAID HE WAS WITHOUT INSTRUCTIONS, BUT HE KNEW HIS AUTHORITIES CONSIDERED THE CONCEPT OF THE GLOBAL CEILING TO BE ESSENTIAL IN ORDER TO LEAVE OPEN THE POSSIBILITY OF EUROPEAN MILITARY UNIFICATION. NETHERLANDS REP (BUWALDA) OBSERVED THAT EUROPEAN DEFENSE UNIFICATION WOULD IN THE DUTCH VIEW COME AT THE VERY END OF THE UNIFICATION OF EUROPE, WHEN THE COUNTRIES INVOLVED WERE NO LONGER SOVEREIGN STATES. A TREATY SIGNED BY THESE STATES WOULD NOT APPLY TO A "EUROPEAN UNION". HE THOUGHT IT WAS UNNECESSARY "TO BURDEN OURSELVES WITH THOUGHTS ABOUT EUROPEAN DEFENSE UNIFICATION" AT THIS TIME.

8. COMMENT: FRG CONCERN ABOUT THE APPROACH IN PARA 3 A-B OF REF A, WHERE "EACH" DIRECT PARTICIPANT WOULD AGREE TO REFRAIN FROM ACTION CAUSING TOTAL GROUND FORCE MANPOWER TO EXCEED COMMON CEILING, IS INDICATIVE OF THE STRONG FRG OPPOSITION TO NATIONAL SUB-CEILINGS. THE U.S. LANGUAGE OBVIOUSLY SEEKS TO PREVENT NATIONAL SUB-CEILINGS. THE FRG RECOGNIZES THIS, BUT WANTS TO MAKE "ABSOLUTELY CLEAR" THAT EACH ALLIED DIRECT PARTICIPANT COULD INCREASE FORCES BY THE SAME AMOUNT AS ANOTHER DECREASES FORCES, AND WANTS TO ELIMINATE ANY POSSIBILITY OF PREJUDICIAL INTERPRETATION BY THE OTHER SIDE. MISSION NOTES THAT THE LANGUAGE IN NAC GUIDANCE ON THE NON-INCREASE COMMITMENT, WHICH UK REP ON PERSONAL BASIS SUGGESTED AS A MODEL, PARALLELS SOMEWHAT THE LANGUAGE PROPOSED BY FRG IN PARA 2 ABOVE. THE RELEVANT SENTENCE IN THE NAC GUIDANCE ON THE NON-INCREASE COMMITMENT IS: "THE DIRECT PARTICIPANTS ON EACH SIDE WOULD AGREE THAT THE OVERALL AGGREGATE GROUND FORCE MANPOWER (PERMANENTLY STATIONED) IN THE AREA OF REDUCTIONS WOULD NOT BE INCREASED BEYOND THE LEVEL EXISTING AT THE TIME OF THE CONCLUSION OF THE FIRST PHASE AGREEMENT, TAKING INTO ACCOUNT THE REDUCTIONS OF U.S. SOVIET FORCES ESTABLISHED IN THAT AGREEMENT" (C-M(74)30(REVISED)). SINCE THE NAC HAS ALREADY
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AGREED TO LANGUAGE OF THIS SORT WHICH PLACES AN OBLIGATION ON THE DIRECT PARTICIPANTS OF EACH SIDE (RATHER THAN ON "EACH DIRECT PARTICIPANT"). NOT TO INCREASE FORCES IN A CERTAIN WAY, THE ALLIES COULD PROBABLY READILY AGREE ON SUCH LANGUAGE FOR THE COLLECTIVE COMMITMENT. WHETHER THIS WOULD MEET EASTERN CONCERNS IS ANOTHER QUESTION AND MISSION WOULD WELCOME VIENNA'S VIEWS ON THIS MATTER.

9. FRG CONCERN ABOUT THE APPROACH IN PARA 3 C-D OF REF A, PLACING SPECIAL OBLIGATIONS ON WESTERN DIRECT PARTICIPANTS WITH

TERRITOCY IN THE REDUCTIONS AREA, APPEARS TO BE FUNDAMENTAL. MISSION ANTICIPATES THAT FRG WILL FIRMLY ADHERE TO THE POSITION ENUNCIATED IN PARA 3 ABOVE. MISSION THEREFORE SUGGESTS THAT WASHINGTON EXAMINE THE POSSIBILITY OF SEEKING TO MEET THROUGH A NON-CIRCUMVENTION CLAUSE THE EASTERN CONCERN ABOUT NON-PARTICIPANTS BUILDING UP FORCE LEVELS IN THE REDUCTIONS AREA. IF THIS WERE A FEASIBLE ALTERNATIVE TO PARA 3 C-D OF REF A, THE NAC COULD INSTRUCT THE AHG TO INFORM THE PACT THAT A NON-CIRCUMVENTION CLAUSE WOULD PREVENT SIGNIFICANT INCREASES IN NON-PARTICIPANT FORCES IN THE REDUCTIONS AREA (LEAVING WORK ON THE EXACT LANGUAGE OF THE NON-CIRCUMVENTION CLAUSE UNTIL LATER, WHEN THE CONTENT OF THE AGREEMENT IS CLEARER).

10. ACTION REQUESTED: WASHINGTON GUIDANCE ON FRG POSITION IN LIGHT OF MISSION COMMENTS IN PARAS 8 AND 9 ABOVE, IN TIME FOR NEXT SPC CONSIDERATION OF THIS SUBJECT MONDAY, MARCH 3. MCAULIFFE

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